



Town of Arlington, Massachusetts
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Selectmen's Minutes 03-22-2010

TOWN OF ARLINGTON BOARD OF SELECTMEN

Meeting Minutes
 Monday, March 22, 2010

7:15 p.m.

Present: Mr. Greeley, Chair, Mrs. Mahon, Vice Chair, Mr. Hurd, Ms. LaCourt and Ms. Rowe
 Also present: Mr. Sullivan, Ms. Rice and Mrs. Krepelka

Stephen Katsos appeared before the Selectmen inviting the Board to attend the First Anniversary Spectacular at Town Hall on Sunday, March 28, 2010 at 7:00 p.m. The evening will feature several comedians and musicians. They will be showcasing Tony & the SKS House Band and "The Blue Carpet Celebration" with Tom E. Morello and Shereen Kassam. All proceeds to benefit the Jimmy Fund, Dana-Farber Cancer Institute.

FOR APPROVAL

1. CONSENT AGENDA (one vote required for approval of all items)
 - a. Minutes of Meetings: February 22, 2010
 - b. Request: One Day Beer & Malt License, 4/2/10, @ the Regent Theatre
'No Static'

David Arteaga

Mr. Hurd moved approval.

SO VOTED (5-0)

2. NSTAR Petition: W.O. #1738454

Richard Schifone, Supervisor, Rights and Permits
 (all abutters notified)

Christine Crosby appeared before the board presenting an NSTAR Electric Company petition to install 23' of conduit in Mass. Ave. in order to provide electric service to 836 Mass. Avenue (CVS).

Mrs. Mahon moved approval with the understanding that the Engineering Department be notified for the purpose of a final inspection.

SO VOTED (5-0)

3. WARRANT ARTICLE HEARINGS

Article 13 Resolution/Medical Office Building Symmes

Mr. Loreti spoke for the Redevelopment Board regarding the "Medical Office Building" at the former Symmes Hospital.

Town Meeting is being asked to support expanded medical-type uses at the site. The Redevelopment Board has found that the development of a medical building on the property has not been feasible. The Redevelopment Board is requesting

Town Meeting's approval for an alternative type of development. The draft resolution states in part as follows:

"Now, therefore, be it resolved that: It is the sense of Town Meeting that in addition to a medical office building, the following medically related uses may be allowed at the Symmes site:

Assisted Living, Alzheimer's Care Facility, Rehabilitation Care Facility, Nursing Home or a Wellness Facility."

Michelle Barry, 94 Woodside Lane, asked the Board if they would include a Fitness Facility.

Ms. Rowe moved approval to add a Wellness & Fitness Facility. SO VOTED (5-0)

Article 14 Local Acceptance/Stretch Energy Code

The Stretch Energy Code requires more energy efficiency in new construction and renovations than the efficiency required under the regular, or "base," building code. Adoption of the Stretch Energy Code will enable the Town to meet one of the five criteria for being designated a "Green Community" under the Green Communities Act.

Ms. LaCourt moved approval.

SO VOTED (5-0)

Article 15 Bylaw Amendment/Nuisance Fire Alarms

Article 15 Bylaw Amendment/Nuisance Fire Alarms The Fire Chief is hoping that the penalties for repeated false alarms will encourage better installation, maintenance and use practices among building owners using alarm systems. The penalties would range from a warning for a first offense to increasing fines for subsequent offenses up to a limit of \$300 per offense.

Ms. LaCourt moved approval.

SO VOTED (5-0)

Article 16 Bylaw Amendment/Public Consumption of Marihuana

This article would amend an article passed by Town Meeting last year that imposes a fine of up to \$300. for people found smoking marihuana in public.

Ms. LaCourt move approval.

SO VOTED (5-0)

Article 17 Bylaw Amendment/Door-to-Door Solicitors

Mrs. Mahon moved no action.

SO VOTED (5-0)

Article 18 Bylaw Amendment/Junk Dealers and Collectors

This Article would authorize the Police Department to inspect pawn shops and junk dealers. Amending the Bylaw to authorize the Police Department to inspect shops under the authority of the Board of Selectmen will allow merchant education about legal requirements.

Mr. Hurd moved approval.

SO VOTED (5-0)

Article 20 Pay-as-You-Throw Trash Collection Program

Brian Sullivan, Town Manager, presented a draft power point presentation summarizing his implementation plan for a pay-as-you throw (PAYT) program.

Peter Howard, member of Vision 2020, thanked Mr. Sullivan for a great job in presenting his report.

Bill Eykamp, 246 Pleasant Street, presented a report regarding PAYT programs in: United States Environmental Protection Agency Solid Waste and Emergency Response "Cutting the Waste Stream in Half" dated October 1999.

The Board thanked Mr. Sullivan for an excellent presentation.

Ms. LaCourt moved that the Town Manager present his report at Town Meeting and that we ask Town Meeting members if they would consider implementation in the context of the next five year plan possibly as part of an override vote.

SO VOTED (4-1)

Ms. Rowe voted in the negative.

Article 24 Home Rule Legislation/Tax Check-Off Program: Donation to the Council on Aging Transportation Fund (tabled from 3/8/10 meeting)

The Town Treasurer recommends no action on this article.

Ann Fitzgerald, President, Karen Nichols, Vice President and Annette Bender, Board member, spoke in favor of this article.

Ms. Nichols stated the Council on Aging Transportation subsidizes 10,000 van rides to our Senior Citizens each year and there is a need for fundraising. The Board thanked the members for their volunteerism and hard work and stated that perhaps they could help in different ways of fundraising. The Selectmen will inquire if the Council could receive funding

from CDBG funds for next year.

Ms. Mahon moved no action.

SO VOTED (5-0)

Article 27 Home Rule Legislation/Group Insurance Program

This article was submitted by the Town Manager. Passing of this article would ask the Legislature to create a special state law allowing Arlington to move its employees into the state-run Group Insurance Commission, GIC, without the necessity of collective bargaining with the protection for employees that their cost and benefits would be at least equivalent to their current plans. Mr. Sullivan stated he has been frustrated by the Town's inability to move the Town into the GIC, which he feels would create a \$3.8 million savings for the town and its employees. Mr. Sullivan stated contrary to what people may hear from some union members, there are still huge savings to be obtained for both the Town and employees by going to the GIC, and many jobs could be saved.

Officer Brandon Kindle, speaking on behalf of the Police Patrolman's Association stated police officers and town employees have traded higher wages for better benefits. He feels the union would be willing to come to the table to negotiate other options.

Officer Kindle stated that they have gone several years without a signed contract, therefore, they see no reason to rush and stop negotiations.

Mrs. Mahon questioned Mr. Sullivan regarding process issues and whether any meeting was scheduled with the Union officials and if they declined to attend.

The Town Manager indicated this wasn't the case.

Mrs. Mahon made a motion of No Action

Mr. Hurd made motion of will report.

Mr. Greeley called for a vote on the two motions on the table.

First, he called for Mrs. Mahon's motion of No Action which was not seconded and failed.

Second motion: Mr. Hurd moved to a will report.

SO VOTED (4-1)

Mrs.. Mahon voted in the negative.

Article 28 Acceptance of Legislation/Pension Liability Funding

Mrs. Mahon moved a will report.

SO VOTED (5-0)

Article 29 Transfer of Real Estate/Crosby School

Ms. Rowe moved will report.

SO VOTED (5-0)

Article 30 Transfer of Real Estate/Parmenter School

Ms. Rowe moved will report.

SO VOTED (5-0)

Article 31 Disposition of Real Estate/Crosby School

Ms. LaCourt moved will report.

SO VOTED (5-0)

Article 32 Disposition of Real Estate/Parmenter School

Ms. LaCourt moved will report.

SO VOTED (5-0)

Article 36 Bylaw Amendment/Canine Control

This proposed bylaw change would allow dogs that are under control to be off-leash at certain parks up until 9:00 a.m. The dogs would also be barred from within 15 feet of a playground and from parks directly abutting schools.

Mary McCartney, 35 Michael St., Susan Doctrow, 99 Westminster Ave. and Ann Smith, 38 Washington Street all spoke in favor of this article.

Ms. Rowe moved no action.

SO VOTED (4-1)

Mr. Greeley opposed the no action vote.

Article 37 Bylaw Amendment/Compensation of Selectmen

(tabled from 2/22/10 meeting)

Mrs. Mahon moved no action.

SO VOTED (5-0)

Article 38 Bylaw Amendment/Electronic Pest Control Devices

Louise Popkin, 9 Cliff Street, appeared before the Board asking that the Town amend the existing noise abatement ordinance to require that electronic pest control devices which emit audible noise onto abutting residential property be turned off between 10:00 p.m. and 7:00 a.m. (8:00 a.m. on weekend and holidays).

Ms. LaCourt moved favorable action.

SO VOTED (5-0)

Article 45 Revolving Funds

Town Manager Brian Sullivan asked to add a new revolving fund for "Gibbs School Energy".

Mrs. Mahon moved approval.

SO VOTED (5-0)

Article 46 Endorsement of CDBG Application

Mrs. Mahon moved will report.

SO VOTED (5-0)

Article 51 Amend Personnel Bylaw/Vacation Time

Mrs. Mahon asked for a summary report from the Personnel Department regarding carried over vacation from all departments. Mrs. Mahon would like information for the April 12th Meeting.

Ms. LaCourt moved will report.

SO VOTED (5-0)

Article 64 Appropriation/Takings – Safe Routes to School – Dallin School Area Sidewalks

The Safe Routes to School Project in the Dallin School area has been approved for federal aid through the Mass. Dept. of Transportation. The Engineering Dept. is compiling specific information about the exact locations and rights that will need to be acquired for this project to proceed.

Ms. Rowe moved approval.

SO VOTED (5-0)

4. FINAL VOTES AND COMMENTS

Article 19 Bylaw Amendment/Removal of Paint

Article 25 Home Rule Legislation/Banning Texting While Driving

Article 33 Acceptance of Legislation Consolidation of Town and School Administrative Functions

Article 34 Vote/Consolidation of Town and School Administrative Functions

Article 35 Bylaw Amendment/Municipal Conflict-of-Interest Standards

Article 39 Bylaw Amendment/Town Meeting Warrant Articles

Article 40 Bylaw Amendment/Field Lights Timing

Article 41 Bylaw Amendment/Sound Amplification Systems

Article 42 Bylaw Amendment/Field Closing Times

Article 43 Bylaw Amendment/Field Light Configuration

Article 44 Bylaw Amendment/Limit Night Baseball Games

Mrs. Mahon moved approval.

SO VOTED (5-0)

Correspondence Received

Peter E. Kistorizos 1367-1381 Massachusetts Avenue
President, VAM Corporation

Be Rec'd

Robert Jefferson Flooding Update: March 14 – March 15
Fire Chief

Be Rec'd

Mrs. Mahon moved receipt of correspondence received.

SO VOTED (5-0)

NEW BUSINESS

Brian Sullivan reported that Common Cause Massachusetts will present its 2010 e-Government Award to 180 cities and towns and Arlington was chosen as one of the communities. The municipalities who post their governing body's minutes and an agenda, their budget, their bylaws, and if applicable, their town meeting warrant and results received said award.

Ms. Rowe commended the Fire Department, Public Works Department and all other townspeople who helped with the flooding situations on Sunnyside Avenue. One of the neighbors has 400 pictures on a disk that she will bring into the Selectmen's Office.

Mrs. Mahon stated that she had some concerns about the letter Cori Beckwith sent to Nathaniel Stevens, Chair, Arlington Conservation Commission, regarding the review of Alewife Greenway plans. Mrs. Mahon stated that she talked to Nathaniel Stevens regarding the permit plans and comparing it to the new DOT plans. Ms. Rowe stated that she agreed with the letter.

Mr. Hurd reported that the 3rd Annual "Support the Troops" will be held on April 17th at 7:30 p.m., Sons of Italy. Mr. Hurd stated it is a wonderful event and encouraged everyone to attend.

Mr. Hurd also congratulated Arlington Catholic High School on winning the Division I Hockey State Championship. Seven members on the team are from Arlington.

Ms. LaCourt stated she attended the Community Forum on Youth Risk Behavior held on Thursday, March 18th, at Town Hall. The Coalition had planned an interactive and engaging education program for this year's event featuring audience response technology, panels, small breakup groups and findings from the 2009 Youth Risk Behavior Survey. She stated it was very informative.

Mrs. Mahon moved to adjourn the meeting at 11:25 p.m.

A true record: Attest

Marie A. Krepelka
Board Administrator

Next meeting of BoS Monday, April 12, 2010.